

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

To:

Assistant Commissioner for Patents
 United States Patent and Trademark
 Office
 Box PCT
 Washington, D.C.20231
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 29 June 2000 (29.06.00)	
International application No. PCT/EP99/09200	Applicant's or agent's file reference I 27815 PC
International filing date (day/month/year) 26 November 1999 (26.11.99)	Priority date (day/month/year) 30 November 1998 (30.11.98)
Applicant GOTTSCHALL, Klaus	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

09 May 2000 (09.05.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Manu Berrod Telephone No.: (41-22) 338.83.38
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference I 27815 PC	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP99/09200	International filing date (<i>day/month/year</i>) 26 November 1999 (26.11.99)	Priority date (<i>day/month/year</i>) 30 November 1998 (30.11.98)
International Patent Classification (IPC) or national classification and IPC C08F 8/30		
Applicant DR. GOTTSCHALL INSTRUCTION GESELLSCHAFT FÜR DIE TECHNISCHE CHROMATOGRAPHIE MBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 09 May 2000 (09.05.00)	Date of completion of this report 27 December 2000 (27.12.2000)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP99/09200

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☐ the international application as originally filed.
- ☒ the description, pages 1-53, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.
- ☒ the claims, Nos. 1-6,9,10, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. 7,8, filed with the letter of 06 December 2000 (06.12.2000),
 Nos. _____, filed with the letter of _____.
- ☐ the drawings, sheets/fig _____, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	7-10	YES
	Claims	1-6	NO
Inventive step (IS)	Claims	7-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations

1. Document CH-A-606 196 describes a method for producing cross-linkable polymeric compounds in which a polymer containing a functional group is reacted with a maleic acid derivative. In Example 8, a mixture of dimethylmaleinimidyl caproic acid chloride (this corresponds to the activator) and a poly-p-methylamino-styrole is dissolved in DMF (this corresponds to a homogeneous phase), is heated and reacted whilst being stirred continuously.

Consequently, the method as per Claim 1 is not novel over CH-A-606 196 (PCT Article 33(2)). This also applies to dependent Claims 2-5.

Identical methods lead to identical products and therefore Claim 6, which refers back to the method of production as per Claim 1, is likewise not novel.

2. Document FR-A-2 526 028, Examples 5-15, also discloses a method in which an unsaturated polyamide is dissolved in chloroform by adding a solution of a dimethyl maleimide from Example 1 whilst stirring.

Consequently, Claims 1-5 and 6 are not novel over

FR-A-2 526 028 either (PCT Article 33(2)).

3. Claims 7-10 are novel and involve an inventive step, since the prior art cited in the international search report neither discloses nor suggests an interaction of the derivatised polymer with substrates nor the compound X *per se* as per Claim 10 (PCT Article 33(2) and (3)).
4. Industrial applicability is established (PCT Article 33(4)).

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claims 7 and 8 are not clear since neither the kind of derivatisation nor the substrate are defined which bring about the (non-covalent) interaction. Claims should be clear in themselves and give a teaching as to technical activity without recourse to the description being required.
2. The description, page 4, line 7 (preferably liquid) contradicts Claim 1 (homogeneous phase).
3. Claim 1, which relates to a method for producing a derivative of a polymer, is not complete, since a derivative will not be obtained merely from the activation alone (PCT Article 6).